

**EIGHTEENTH DAY.**

Senate Chamber,  
Austin, Texas,  
September 20, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll disclosed a quorum, the following Senators being present:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Small.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.****Senate Resolution No. 19.**

Senator Pace sent up the following resolution:

Whereas, Press comments in the morning papers of today state, among other things, with reference to the prospects of calling another immediate Special Session of the Forty-third Legislature, the following:

"James E. Ferguson, speaking for the Governor's office, declined a definite commitment that a session would be called, but said if a sufficient sentiment is shown in the Senate, it may be convened"; and

Whereas, it now appears to be reasonably certain that by Monday or Tuesday of next week, the Relief Bond measure, the main purpose for the convening of this Special Session of the Legislature, will have been passed, and

Whereas, It is expensive to the people of the State of Texas to convene Special Sessions of the Legislature, and

Whereas, It is now reasonably apparent that no emergency exists for the calling of another Special Session of the Forty-third Legislature; therefore, be it

Resolved by the Senate of the State of Texas that the Governor be advised that it is the sense of the Senate that no added Special Session of the Forty-third Legislature seems to be reasonably necessary at this time.

PACE,  
DeBERRY,  
HOLBROOK.

Read first time.

Senator Pace asked that the resolution be taken up at this time.

Senator Pace asked for a second reading.

Senator Martin moved that S. R. No. 19 be referred to a committee.

Senator Pace moved that the rule requiring resolutions be referred to a committee be suspended and the resolution be considered at this time.

**Point of Order.**

Senator DeBerry made a point of order that Senator Martin was not discussing the subject of the resolution.

The Chair asked Senator Martin to confine his argument to the subject of the debate.

The motion by Senator Pace prevailed.

**Yeas—19.**

Blackert.	Oneal.
Collie.	Pace.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Holbrook.	Regan.
Hornsby.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

## Nays—3.

Martin. Stone.  
Sanderford.

## Absent.

Beck. Patton.  
Greer. Poage.  
Hopkins. Small.  
Parr.

## Absent—Excused.

Fellbaum.

Senate Resolution No. 19 was  
adopted by the following vote:

## Yeas—21.

Blackert. Oneal.  
Collie. Pace.  
Cousins. Poage.  
DeBerry. Purl.  
Duggan. Rawlings.  
Greer. Redditt.  
Holbrook. Regan.  
Hornsby. Stone.  
Moore. Woodruff.  
Murphy. Woodul.  
Neal. Woodward.

## Nays—2.

Martin. Sanderford.

## Present—Not Voting.

Beck.

## Absent.

Hopkins. Patton.  
Parr. Small.

## Absent—Excused.

Fellbaum.

## Reason for Vote.

My reason for voting present on  
S. R. No. 19:

I don't see any need for special  
session of the Legislature and do not  
desire to advise the Governor on this  
subject.

BECK.

## Bills Signed.

The Chair, Lieutenant Governor  
Edgar E. Witt, gave notice of sign-  
ing, and did sign, in the presence of  
the Senate, after their captions had

been read, the following bills and  
resolution:

S. B. No. 13 H. B. No. 34.  
S. B. No. 23. H. B. No. 46.  
S. B. No. 12. H. B. No. 70.  
H. B. No. 73. H. B. No. 62.  
H. C. R. No. 21.

## Messages from the Governor.

The Chair recognized the Door-  
keeper, who introduced a messenger  
from the Governor with the follow-  
ing messages:

## Executive Office,

Austin, Texas, Sept. 20, 1934.

To the Forty-third Legislature in  
Third Called Session:

By request of Representatives  
Latham, Barron, Turlington and  
Holloway, I submit for your con-  
sideration the attached bill, being:  
"An Act to create a special criminal  
judicial district composed of the  
counties of Rusk, Gregg, Smith and  
Upsur in the State of Texas; and  
creating and establishing a special  
criminal judicial district court for  
said district; limiting the jurisdiction  
of said court to criminal cases, felony  
and misdemeanor, and to civil in-  
junctions and penalty suits filed by  
the State; designating the name for  
such courts \* \* \*; and declaring an  
emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Austin, Texas, Sept. 20, 1934.

To the Forty-third Legislature in  
Third Called Session:

By request of Senator Rawlings,  
I submit for your consideration the  
attached bill, being: "An Act amend-  
ing Chapter 25 of the Acts of the  
Thirty-ninth Legislature, Regular  
Session, adding thereto a section to  
be 'Section 90a,' and, in substance to  
provide: That certain water control  
and improvement districts (in addi-  
tion to, or in lieu of, securing their  
bonds by the levy and collection of  
taxes, as now provided), may enter  
into contracts pledging their net rev-  
enues for security of their bonds  
\* \* \*; and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Austin, Texas, Sept. 20, 1934.  
To the Forty-third Legislature in  
Third Called Session:

At the request of Honorable W. E. Pope I submit for your consideration the attached bills:

1. Being "An Act withdrawing from sale or lease for minerals or otherwise all lands situated in the bed of the Nueces River between the lower boundary of La Fruta Dam, now being maintained by the City of Corpus Christi, and the junction of the Nueces River with the eastern boundary line of McMullen County \* \* \*; and declaring an emergency."

2. Being "An Act to amend Section 6-A of Section 27, of the General Laws of the Forty-third Legislature, First Called Session, so as to reduce registration license fees on commercial motor vehicles, without trailers or semi-trailers, when same are used exclusively by the owner thereof \* \* \*; and declaring an emergency."

3. Being "An Act to amend subdivision 3 of Article 3883 of Section 1 of Chapter 220 of Acts of Forty-third Legislature of Regular Session 1933, page 734, by raising the salaries of justice of peace and constables in certain counties \* \* \*; and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Austin, Texas, Sept. 20, 1934.  
To the Forty-third Legislature in  
Third Called Session:

By request of Representative Celaya and others, I submit for your consideration the bill hereto attached to be entitled "An Act validating the organization and bonds of water improvement districts which have been converted into water control and improvement districts and which have thereafter issued bonds voted before such conversion, validating such conversion, and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Austin, Texas, Sept. 20, 1934.  
To the Forty-third Legislature in  
Third Called Session:

By request of Senator Woodruff, I submit for your consideration the

attached bill to be entitled "An Act repealing Chapter 209 of the General Laws of Texas enacted by the Forty-third Legislature, Regular Session, 1933, and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

#### Senate Bill No. 29.

Senator Rawlings sent up the following bill:

S. B. No. 29, A bill to be entitled "An Act amending Chapter 25 of the Acts of the Thirty-ninth Legislature, Regular Session, adding thereto a section to be "Section 90-a," and, in substance to provide that certain water control and improvement district (in addition to, or in lieu of securing their bonds by the levy and collection of taxes, are now provided) may enter into bonds; and providing that, in case the districts obligations are secured both by taxation and the pledge of revenues, etc., and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

#### S. C. R. No. 12.

Senator Martin sent up the following concurrent resolution:

Whereas, The State Auditor reports that he is now completing an examination into the administrative acts of the State Highway Department, and in said examination he finds that the accounting system now in use is entirely inadequate and lacking in efficiency; that such system fails to provide for any internal check or internal audit of the expenditures of that department; that he has found evidence sufficient to convince him that improper and illegal expenditures have been made;

That he has reason to believe that information he has compiled, when supported by proper data, will result in a recovery for the State of approximately \$6,000,000, and that his audit is anything but complete; that any overpayments or illegal expenditures which may have occurred will be found to be due to poor records and wrong interpretations of the law, and not to dishonesty or lack of good faith on the part of the

Highway Commission; that the Comptroller's Department is unable, with the resources made available for that department, to verify expenditures by the Highway Department as is provided by law; that there is no one charged with the duty of checking the various departments to see that they are performing the duties that are assigned to them; that they have an accounting department, but not an auditing department, and the rules and regulations of the commission and the chief engineer may or may not be carried out;

That the auditing work already performed by the State Auditor's office has cost approximately \$10,000, and that this sum has been sufficient to do 10% of the work necessary to complete an audit of the biennial ending August 31, 1933; and

Whereas, When the several constitutional offices were created, the framers of the constitution provided for an internal check as between the offices, and also provided for the extension of such internal check to new departments that may be created by the Legislature; and

Whereas, the State Highway Department receives and expends, without an internal checking system, more money than all other State departments combined, and to permit the expenditure of such enormous sums without audit, either post audit or current audit, is unthinkable and unfair to the officials in charge and to the public; therefore, be it

Resolved by the Senate of the State of Texas, the House concurring, that an appropriation of \$90,000 be made out of the available State Highway funds for the State Auditor's office to be used in completing an audit of the State Highway Department for the two year period ending August 31, 1933; that such audit report shall include a report on the general operation and efficiency of the engineering staff of the Highway Department, to be prepared and submitted by a graduate engineer of a reputable engineering school; be it further

Resolved that the State Auditor be charged with the duty of completing this audit by January 1,

1935, and that he be permitted, if he thinks necessary, to employ one or more reputable firms of certified public accountants to assist in the work in order that it may be completed within the time prescribed, the total cost of the audit, including amounts paid private firms, not to exceed \$90,000. The compensation to private accounting firms shall not exceed the price customarily paid for such services.

The resolution was read.

Senator Redditt moved that the resolution be referred to the Committee on Finance.

The motion prevailed.

S. C. R. No. 12 was referred to the Committee on Finance.

#### H. C. R. No. 16.

Senator Morre called up H. C. R. No. 16, Relative to the Texas relief and administrative costs with Federal supervision.

Read and adopted.

#### Senate Bill No. 30.

Senator Redditt sent up the following bill:

By Senator Redditt:

S. B. No. 30, A bill to be entitled "An Act making an appropriation to pay per diem and expenses of persons serving on the textbook committee from October 1 to October 13, 1933, and making an appropriation to pay per diem and expenses of members of the State Board of Education incurred in connection with its meeting July 31 and August 1, 1933, and declaring an emergency."

Read first time and referred to the Committee on Finance.

#### Senate Resolution No. 20.

Senator Purl sent up the following resolution:

Whereas, It has always been the custom for the Legislature of Texas to make use of the so-called Supreme Court Library of Texas and to provide appropriations for the maintenance of said library and to provide a clerk to be in attendance for the needs of the members of the State Legislature and the Supreme Court; and

Whereas, Under the selection of the Supreme Court there has always been in the past in attendance a

clerk who has been willing to render the best possible service to both the Court and the Legislature; therefore, be it

Resolved, by the Senate of Texas, That an immediate recommendation be made to the Supreme Court that they promulgate such rules as will bring about a more satisfactory condition within the Supreme Court Library to the end that it may again become useful.

PURL.

Senator Purl moved that the rule requiring resolutions be referred to a committee, be suspended and the resolution be adopted at this time.

The motion prevailed.

S. R. No. 20 was adopted.

#### Senate Bill No. 31.

Senator Holbrook sent up the following bill:

By Senators Holbrook, Redditt.

S. B. No. 31, A bill to be entitled "An Act declaring it unlawful to take any wild duck, wild goose, wild brant, wild snipe or wild coot at any time other than during the open season; prohibiting the taking or possessing of any of such birds in excess of the bag limit; defining open seasons and bag limits; providing a suitable penalty; repealing laws in conflict with this Act; charging the Game, Fish and Oyster Commission with the duty of proclaiming open seasons and bag limits for wild ducks, wild geese, wild brant, wild snipe or wild coot; providing that such open seasons and bag limits shall be fixed after the determination of certain facts; providing how such regulations shall be issued and that that after issuance when such regulations shall become effective; providing for the suspension of such regulations; providing that any interested party affected by this Act and dissatisfied with any regulations promulgated by the commission shall have the right to file a suit in a competent court in Travis County to test the validity of said Act or regulations.

Read and referred to the Committee on Game and Fish.

#### House Bill No. 49.

Senator Hornsby asked unanimous consent to take up and pass H. B. No. 49.

Consent was given.

H. B. No. 49, A bill to be entitled "An Act making an appropriation for the salary of either a special investigator, or an assistant district attorney for the Forty-ninth Judicial District of Texas, said appropriation to be in lieu of that made by the Regular Session of the Forty-third Legislature for an assistant district attorney for said district; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 49 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent—Excused.

Fellbaum.	Patton.
Parr.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
Cousins.	Oneal.
DeBerry.	Pace.
Duggan.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.

Small.  
Stone.  
Woodruff.

Woodul.  
Woodward.

Absent—Excused.

Fellbaum.  
Parr.

Patton.

### House Bill No. 67.

Senator Blackert asked unanimous consent to take up and pass H. B. No. 67.

Consent was granted.

H. B. No. 67, A bill to be entitled "An Act authorizing cities and towns with a population of more than one thousand and located on the coast of Texas, or any bay, gulf or inlet, and in which commercial fishing and shrimping is an established industry, to build or purchase municipal fish markets, and to borrow money and accept grants for such purpose from the Federal Government or any of its agencies, or to borrow money from any other sources and to issue revenue bonds or warrants therefor and secure the payment of the same by mortgaging the physical property so acquired and the net revenues therefrom, and providing that such cities may stipulate with the lender that a purchaser at sale or foreclosure shall have a permit to operate the same in accordance with the laws then in effect regulating such industries; and providing that such markets may be improved, repaired or extended; and providing that the provisions of Article 2368-a, Revised Civil Statutes of Texas, with reference to notice, the right of referendum and competitive bidding shall be applicable to all projects financed under this Act; and providing that the revenue warrants or bonds issued hereunder shall have stamped or written thereon that the holder thereof never shall be entitled to demand the payment of such bonds or warrants out of any funds raised or to be raised by taxation, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Blackert, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 67 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent—Excused.

Fellbaum.  
Parr.

Patton.

Read third time and finally passed by the following vote:

Yeas—21.

Beck.	Pace.
Blackert.	Poage.
Cousins.	Rawlings.
Duggan.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—5.

Collie.  
DeBerry.  
Murphy.

Purl.  
Woodruff.

Absent.

Greer.

Absent—Excused.

Fellbaum.  
Parr.

Patton.

### House Bill No. 47.

Senator Duggan asked permission to take up and pass H. B. No. 47.

Consent was granted.

H. B. No. 47, A bill to be entitled "An Act making appropriation to cover deficiencies in appropriations heretofore made for transcript fees for court reporters as provided by law for the fiscal years ending August 31, 1934 and 1935, and declaring an emergency."

Senator Duggan sent up the following amendment:

Amend H. B. No. 47 by adding another section, to be known as Section 1A, to read as follows:

Section 1-A. The sum of fifteen thousand (\$15,000) dollars, or as much thereof as may be necessary, is hereby appropriated out of the General Fund of the State of Texas to purchase and install a boiler in the heating and power plant at the Texas Technological College at Lubbock, Texas, and the drilling and equipment of two water wells on the campus of said college. Said boiler and wells are made necessary by the recent erection of two large dormitories at said college by P. W. A. funds, without cost to the State of Texas.

Amend caption of said bill to conform therewith.

DUGGAN.

Read and adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Duggan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 47 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent—Excused.

Fellbaum.	Patton.
Parr.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Oneal.
Blackert.	Pace.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Nays—3.

Collie.	Poage.
DeBerry.	

Absent—Excused.

Fellbaum.	Patton.
Parr.	

Recess.

On motion of Senator DeBerry, the Senate at 12:00 o'clock noon recessed until 2:00 o'clock p. m.

After Recess.

The Senate met at 2:00 oclock p. m., pursuant to recess and was called to order by Lieutenant Governor Edgar E. Witt.

H. C. R. No. 14.

The Chair laid before the Senate the following resolution:

H. C. R. No. 14, Directing the Commissioner of Agriculture of the State of Texas to investigate the discrimination against Texas grown tomatoes and the Texas farmer.

The resolution was adopted by viva voce vote.

Senate Bill No. 32.

Senator Redditt sent up the following bill:

By Senator Redditt:

S. B. No. 32, A bill to be entitled "An Act to amend Article 4368 of the Revised Civil Statutes of Texas for 1925, relating to the official bond

of the State Treasurer, and providing that the State Treasurer shall enter into such bond as may be required by an Act of Congress to protect any Federal funds which shall have been received or which may hereafter be received by the State of Texas and deposited with the State Treasurer; providing that such special bond shall be in addition to the regular statutory official bond, and shall be a separate and distinct special bond and obligation; providing the method of payment for such bond, and declaring an emergency."

Read and referred to the Committee on Internal Improvement.

#### Senate Bill No. 33.

Senator Moore sent up the following bill:

By Senator Moore:

S. B. No. 33, A bill to be entitled "An Act amending Sections 1, 4, 6, and 8 of Chapter 162, H. B. No. 154, Acts of Regular Session of the Forty-third Legislature, and Section 2, with the exception of Subdivision 1, thereof, and Sections 3, 5, and 9 of Chapter 162, H. B. No. 154, as amended by Chapter 12, H. B. No. 55, Acts of the First Called Session of the Forty-third Legislature, defining certain words and terms; providing for credit for taxes paid by mistake; providing that tax levied shall be a liability on producer, first purchaser and subsequent purchaser; providing that first purchaser shall pay tax levied; providing that failure of first purchaser to pay tax does not relieve others liable for the tax; providing for payment of tax on oil produced but not sold; providing for keeping of records and making reports by producers, first purchaser and subsequent purchasers; requiring royalty owners to keep records; providing that operators of railroads, barges, trucks, and/or pipe lines shall keep records of oil handled for hire; providing that all records required by this Act to be kept shall be open to inspection by the Attorney General and/or the Comptroller; requiring first purchasers of oil from properties in litigation to deduct tax; providing for payment of tax levied and for penalties for failure to pay tax when due and providing payment of interest on delinquent

taxes and penalties; providing that the State shall have a lien on any property of person liable for tax hereby levied; providing that tax shall be borne ratably by producers and interest holders; providing method of allocating tax hereby levied; declaring to be a misdemeanor the making of false entries and failure to make proper entries and reports, or destroying, secreting or mutilating records, or hiding or secreting property on which a lien is created by this Act, and failing and refusing to permit the inspection of records and reports by the Comptroller and/or Attorney General, and providing penalty; providing that the Comptroller shall make rules and regulations for the enforcement of this Act; providing for an appropriation of one per cent of the tax collected for defraying necessary expenses including salaries of directors, supervisors, auditors, office help, traveling expenses, publication of regulations, postage, telegraph and telephone, and traveling expenses of witnesses; providing for one director at a salary of three thousand dollars (\$3000) per year, one assistant director at a salary of two thousand seven hundred fifty dollars (\$2750) per year, and supervisors and auditors as may be needed; and declaring an emergency"

Read and referred to the Committee on State Affairs.

#### House Bill No. 58.

The Chair laid before the Senate H. B. No. 58:

H. B. No. 58, A bill to be entitled "An Act relating to any city which has not less than 8,700 nor more than 8,800 inhabitants, as shown by the Federal Census last preceding the action herein authorized; providing that the governing body of any such city in making up the annual appropriation of the income and revenue of any water works system, electric light plant or system, sewer system, or any other public utility system, service or enterprise, now or hereafter owned and operated by any such city, shall first provide for maintenance and operating expenses of such system, service or enterprise, shall then provide for payment of principal and interest of any indebted-



edness outstanding against such system, service or enterprise, and may then make such appropriations as remaining income and revenue of such system, service or enterprise may justify; etc., and declaring an emergency."

Pending.

#### Senate Bill No. 11.

Senator Poage asked to take up and consider S. B. No. 11.

S. B. No. 11, A bill to be entitled "An Act amending Title 42, Chapter 13, part 2, R. C. S. 1925, with reference to receivers and receiverships by adding thereto the following article to be known as Article 2320-a, authorizing proceedings by persons defined herein in the relief of debtors and providing for reorganization and readjustment of their indebtedness and affairs, providing the method, means and manner thereof and for proceedings in furtherance and aid thereof and for the adjudication of the rights or parties affected; prescribing jurisdiction and the power and authority of judges and courts in the premises to protect the assets of such debtors and to safeguard and insure the continuation of the business of such debtors to the end that they shall continue to provide employment for labor and to encourage the orderly and economical administration of the affairs of such debtors, and providing generally for the relief of distressed debtors, and declaring an emergency."

Senator Pace sent up the following amendment to S. B. No. 11:

Amend S. B. No. 11 by adding:

"the provisions of the bill shall not apply or be effective until a favorable vote of the qualified voters of the political subdivision affected shall be had."

PACE.

Senator Pace withdrew his amendment.

Senator Holbrook sent up the following amendment to S. B. No. 11:

Amend S. B. No. 11, by striking out subdivision "f" of Section 3 of the bill, numbering the following subdivisions consecutively and making the caption conform to the amendment.

HOLBROOK.

Read and adopted.

#### Motion to Reconsider.

Senator Oneal moved to reconsider the vote by which the Woodruff

amendment to S. B. No. 11 was adopted.

The motion prevailed.

#### At Ease.

Senator Stone moved that the Senate stand at ease 5 minutes.

The motion prevailed.

#### House Bill No. 58.

Recurring business was H. B. No. 58.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 58 was put on its third reading and final passage by the following vote:

#### Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

#### Absent—Excused.

Fellbaum.	Patton.
Parr.	

Read third time and finally passed by the following vote:

#### Yeas—22.

Beck.	Pace.
Blackert.	Poage.
Cousins.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

**Nays—5.**

Collie.	Oneal.
DeBerry.	Purl.
Murphy.	

**Absent—Excused.**

Fellbaum.	Patton.
Parr.	

**Bills Signed.**

The Chair, President Pro Tem. Cecil Murphy, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 32.	S. B. No. 25.
H. B. No. 4.	

**Senate Bill No. 11.**

Senator Woodruff withdrew his amendment to S. B. No. 11.

The Senate refused to engross S. B. No. 11 by the following vote:

**Yeas—10.**

Beck.	Poage.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.

**Nays—13.**

Blackert.	Neal.
Collie.	Oneal.
DeBerry.	Pace.
Duggan.	Purl.
Greer.	Redditt.
Holbrook.	Small.
Murphy.	

**Present—Not Voting.**

Rawlings.

**Absent.**

Cousins.	Woodward.
Woodul.	

**Absent—Excused.**

Fellbaum.	Patton.
Parr.	

**Senate Bill No. 18.**

Senator Beck asked unanimous consent to call up S. B. No. 18.

Consent was granted.

S. B. No. 18, A bill to be entitled "An Act to prohibit the sale of

barbituric acid or derivatives and compounds thereof under any copyrighted or chemical names, except to wholesale drug houses, chemical houses and dispensing pharmacies or practicing physicians; providing that the same may not be dispensed except by a practicing physician or retail pharmacy on prescriptions written by a legally qualified practicing physician; providing certain rules and regulations; prescribing a penalty for the violation of this Act; and declaring an emergency."

Senator Beck moved that the bill be laid on the table subject to call.

**Motion to Set for Special Order.**

Senator Purl made a substitute motion, that S. B. No. 18 be set as a special order tomorrow morning, immediately after the morning call.

The substitute was adopted by viva voce vote.

**Re-Referred.**

On motion of Senator Holbrook S. C. R. No. 12 was re-referred to the Committee on Finance.

**Motion to Concur.**

Senator Regan moved that the Senate concur in House amendments to S. B. No. 26.

The motion prevailed by the following vote:

**Yeas—26.**

Beck.	Oneal.
Blackert.	Pace.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

**Nays—1.**

Collie.

**Absent—Excused.**

Fellbaum.	Patton.
Parr.	

**Senate Bill No. 32.**

Senator Redditt called up S. B. No. 32.

S. B. No. 32, A bill to be entitled "An Act to amend Article 4368 of the Revised Civil Statutes of Texas for 1925, relating to the official bond of the State Treasurer, and providing that the State Treasurer shall enter into such bond as may be required by an Act of Congress to protect any Federal funds which shall have been received or which may hereafter be received by the State of Texas and deposited with the State Treasurer; providing that such special bond shall be in addition to the regular statutory official bond, and shall be a separate and distinct special bond and obligation; providing the method of payment for such bond, and declaring an emergency."

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 32 was put on its second reading by the following vote:

**Yeas—27.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

**Absent—Excused.**

Fellbaum.	Patton.
Parr.	

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 32 was put

on its third reading and final passage by the following vote:

**Yeas—27.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

**Absent—Excused.**

Fellbaum.	Patton.
Parr.	

Read third time and finally passed by the following vote:

**Yeas—27.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

**Absent—Excused.**

Fellbaum.	Patton.
Parr.	

**Senate Bill No. 34.**

Senator Woodruff sent up the following bill:

By Senator Woodruff:

S. B. No. 34, A bill to be entitled "An Act repealing Chapter 209 of the General Laws of Texas enacted by the Forty-third Legislature, Regular Session, 1933, and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

**Senate Bill No. 31.**

Senator Holbrook called up S. B. No. 31.

S. B. No. 31, A bill to be entitled "An Act declaring it unlawful to take any wild ducks, wild goose, wild brant, wild snipe or wild coot at any time other than during the open season; prohibiting the taking or possessing of any of such birds in excess of the bag limit; defining open seasons and bag limits; providing a suitable penalty; repealing laws in conflict with this Act; charging the Game, Fish and Oyster Commission with the duty of proclaiming open seasons and bag limits for wild ducks, wild geese, wild brant, wild snipe or wild coot; providing that such open seasons and bag limits shall be fixed after the determination of certain facts; providing how such regulations shall be issued and that after issuance when such regulations shall become effective; providing for the suspension of such regulations; providing that any interested party affected by this Act and dissatisfied with any regulations promulgated by the commission shall have the right to file a suit in a competent court of Travis County to test the validity of said Act or regulations.

Senator Holbrook moved to suspend the constitutional rule requiring bills to be read on three several days and S. B. No. 31 was put on its second reading by the following vote:

## Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

## Absent—Excused.

Fellbaum.	Patton.
Parr.	

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 31 was put on its third reading and final passage by the following vote:

## Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hepkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

## Absent—Excused.

Fellbaum.	Patton.
Parr.	

Read third time and finally passed by the following vote:

## Yeas—25.

Beck.	Neal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Murphy.	

## Nays—1.

Stone.

## Present—Not Voting.

Oneal.

## Absent—Excused.

Fellbaum.	Patton.
Parr.	

## Senate Bill No. 29.

Senator Rawlings asked unanimous consent to take up S. B. No. 29.

**Consent was granted.**

S. B. No. 29, A bill to be entitled "An Act amending Chapter 25 of the Acts of the Thirty-ninth Legislature, Regular Session, adding thereto a section to be 'Section 90a,' and, in substance to provide; that certain water control and improvement districts (in addition to, or in lieu of, securing their bonds by the levy and collection of taxes, are now provided), may enter into contracts pledging their net revenues for security of their bonds; and, providing that, in case the district's obligations are secured both by taxation and the pledge of revenues, under certain conditions, the taxes may be minimized or wholly abated, to compensate the net revenues available to protect the maturities of the district's obligations, defining 'net revenues'; and, requiring an election for authorization for exercising the powers hereby granted; also fixing the proposition to be voted on at any such election; stating the facts constituting an imperative public necessity (to enable such districts promptly to procure loans from the Federal Administration of Public Works, or other advantageous sources, thereby aiding to relieve unemployment), and declaring an emergency."

Senator Rawlings moved to suspend the constitutional rule requiring bills to be read on three several days and S. B. No. 29 was put on its second reading by the following vote:

**Yeas—27.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

**Absent—Excused.**

Fellbaum.	Patton.
Parr.	

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 29 was put on its third reading and final passage by the following vote:

**Yeas—27.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

**Absent—Excused.**

Fellbaum.	Patton.
Parr.	

Read third time and finally passed by the following vote:

**Yeas—25.**

Beck.	Pace.
Blackert.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

**Nays—1.**

Collie.
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**Present—Not Voting.**

Oneal.
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**Absent—Excused.**

Fellbaum.	Patton.
Parr.	

**House Bill No. 63.**

Senator Duggan asked unanimous consent to take up and consider H. B. No. 63.

Consent was granted.

H. B. No. 63, A bill to be entitled "An Act amending Section 3 of Chapter 67, Acts of the First Called Session of the Forty-third Legislature, same being S. B. No. 52, and as amended by Chapter 29, Acts of the Second Called Session of the Forty-third Legislature, same being H. B. No. 79, so as to provide the method of prorating the funds provided in said chapter, fixing date for filing claims under said appropriation; providing that claims arising thereunder shall not be negotiable or assignable; providing that no commissions or fees shall be paid for presenting and/or prosecuting said claims; declaring it to be the intention of this Act to reimburse growers for expenses incurred in sterilizing cotton seed and fumigating cotton where same is produced in Texas, whether ginned in this State or some other, if said expense was charged by reason of the Texas regulatory laws in such cases; providing that when any claim is paid only in its proportionate part, said claim shall be receipted for in full, and no further payment made by the State on said claim, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Duggan the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 63 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
Cousins.	Oneal.
DeBerry.	Pace.
Duggan.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.

Small.  
Stone.  
Woodruff.

Woodul.  
Woodward.

Absent—Excused.

Fellbaum.  
Parr.

Patton.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Oneal.
Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent—Excused.

Fellbaum.  
Pace.

Patton.

**House Bill No. 12.**

Senator Oneal asked unanimous consent to take up and consider H. B. No. 12.

Consent was granted.

H. B. No. 12, A bill to be entitled "An Act to extend the time for the payment of notes or obligations executed prior to November 1, 1901, by purchasers of school land for the unpaid balance of principal due the State thereon, such extensions to be for a period of ten years from and after the passage of this Act; and declaring an emergency."

**Special Order.**

Senator Oneal moved that H. B. No. 12 be set for special order tomorrow after the disposition of the previous special order.

The motion prevailed.

**House Bill No. 65.**

Senator Poage called up H. B. No. 65.

H. B. No. 65, A bill to be entitled "An Act making it unlawful to kill

wild fox, or to take or have in one's possession for barter or sale the pelts of wild fox, in certain counties; providing a penalty for violation of this Act; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Poage, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 65 was put on its second reading by the following vote:

## Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

## Absent—Excused.

Fellbaum.	Patton.
Parr.	

The bill was read second time and passed to third reading.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 65 was put on its third reading and final passage by the following vote:

## Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

## Absent—Excused.

Fellbaum.	Patton.
Parr.	

Read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

## Absent—Excused.

Fellbaum.	Patton.
Parr.	

## House Bill No. 40.

Senator Redditt asked unanimous consent to take up H. B. No. 40.

H. B. No. 40, A bill to be entitled "An Act declaring it unlawful to take, hunt, or pursue deer or turkey in Nacogdoches County for five (5) years after the passage of this Act; providing a penalty for violation, repealing all laws in conflict with this Act, and declaring an emergency."

The rule requiring committee reports to live over one days was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 40 was put on its second reading by the following vote:

## Yeas—27.

Beck.	Hornsby.
Blackert.	Martin.
Collie.	Moore.
Cousins.	Murphy.
DeBerry.	Neal.
Duggan.	Oneal.
Greer.	Pace.
Holbrook.	Poage.
Hopkins.	Purl.

Rawlings.	Stone.
Redditt.	Woodruff..
Regan.	Woodul.
Sanderford.	Woodward.
Small.	

Absent—Excused.

Fellbaum.	Patton.
Parr.	

The bill was read second time and passed to third reading.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 40 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent—Excused.

Fellbaum.	Patton.
Parr.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent—Excused.

Fellbaum.	Patton.
Parr.	

### Motion to Reconsider.

Senator Poage moved to reconsider the vote by which H. B. No. 65 was passed and spread on the Journal.

The motion prevailed.

### House Bill No. 38.

Senator Redditt asked unanimous consent to take up H. B. No. 38.

Consent was granted.

H. B. No. 38, A bill to be entitled "An Act providing the open season for taking squirrels in Nacogdoches County; providing suitable penalty for violation of this Act, and repealing all laws in so far as they may be in conflict with this Act, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 38 was put on its second reading by the following vote:

Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent—Excused.

Fellbaum.	Patton.
Parr.	

The bill was read second time and passed to third reading.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 38 was put on its third reading and final passage by the following vote:



**Yeas—27.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

**Absent—Excused.**

Fellbaum.	Patton.
Parr.	

Read third time and finally passed  
by the following vote:

**Yeas—27.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

**Absent—Excused.**

Fellbaum.	Patton.
Parr.	

**Messages From the House.**

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Sept. 20, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 47 by a vote of 73 yeas, 45 nays.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 20, 1934.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 32 by a viva voce vote.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 20, 1934.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolution:

H. C. R. No. 16, Requesting the President of the United States to direct the Federal Relief Agency to co-operate with the Texas Relief Agency in order that regulations may be drawn which would be applicable to the conditions existing in Texas, etc.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 20, 1934.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 3, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund; authorizing the payment of certain sums out of the Highway Fund; authorizing the payment of said miscellaneous claims on the taking effect of this Act."

The House has adopted the following resolutions:

H. C. R. No. 18, Granting Henry Schmidt permission to sue the State Highway Department and the State of Texas for damages.

H. C. R. No. 19, Granting Mrs. J. W. McCarty permission to sue the State Highway Department and the State of Texas for damages.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 20, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bills:

H. B. No. 48, A bill to be entitled  
"An Act making appropriation to  
cover deficiencies in appropriations  
heretofore made for the expenses of  
district judges and district attorneys  
for the fiscal years ending August  
31, 1934 and 1935, and declaring an  
emergency."

S. B. No. 25, A bill to be entitled  
"An Act to provide for the cession  
by the State of Texas to the United  
States of America of all right, title  
and interest which the State of  
Texas may have in and to certain  
lands in El Paso County and Hud-  
speth County, comprising the bed  
and banks of the Rio Grande; re-  
taining jurisdiction as to certain  
of such lands in the State of Texas  
for certain purposes; reserving the  
rights of the State of Texas and  
residents and citizens thereof to  
waters of the Rio Grande, and in the  
use thereof, and in the access there-  
to, and declaring an emergency."

S. B. No. 26, A bill to be entitled  
"An Act authorizing water control  
and improvement districts to assign  
water contracts for a period of not  
exceeding forty years, or to assign  
the revenues accruing or to accrue  
under such contract, and to receive  
therefor either a lump sum in cash  
or outstanding bonds of said district;  
to sell or contract to sell water  
for the generation of electric power  
over a period of not exceeding forty  
years; to issue negotiable refunding  
bonds for exchange for outstanding  
indebtedness or to sell same and  
redeem a like amount of outstanding  
indebtedness; to enter into escrow  
agreements relative to payment of  
its bonds and to pledge its revenues  
to the payment thereof; to provide  
and agree to provide for an emer-  
gency fund for repairs to its irriga-  
tion system; to enter into contract  
for the operation and maintenance  
of its irrigation system for such  
period of years as may be specified  
in the assignment of such system;  
providing that the statutes of limita-  
tions shall not run against any re-  
funding bonds of such districts here-  
after issued; authorizing the issu-

ance of improvement bonds, and  
levying a tax therefor; authoriz-  
ing the levy and collection of spe-  
cial assessments, and providing the  
method of such levy and collection;  
authorizing the refunding of such  
improvement bonds; authorizing the  
cancellation of any bonds heretofore  
authorized by an election, providing  
the method therefor; providing that  
any outstanding past due interest  
coupons of any bonds of such dis-  
tricts shall be received at par in pay-  
ment of taxes due such districts and  
due on or before January 31, 1934;  
repealing Chapter 22 of the General  
Laws of the Third Called Session of  
the Forty-second Legislature; declar-  
ing the intent of this Act; providing  
that the invalidity of any section,  
provision or part of this Act shall  
not affect the remainder of this Act;  
providing that the provisions of this  
Act shall be construed as being in  
addition to existing statutes and not  
as repealing same; and declaring an  
emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Bills and Resolutions Referred.

H. B. No. 3, referred to the Com-  
mittee on Finance.

H. B. No. 48, referred to the Com-  
mittee on Finance.

H. C. R. No. 18, referred to the  
Committee on State Affairs.

H. C. R. No. 19, referred to the  
Committee on State Affairs.

#### Adjournment.

On motion of Senator Moore, the  
Senate at 4:40 o'clock p. m. ad-  
journed until 10:00 o'clock a. m.  
Friday.

The motion prevailed.

#### APPENDIX.

##### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 13  
carefully examined and compared  
and find same correctly enrolled

GREER, Chairman.

## Committee Room,

Austin, Texas, Sept. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 12 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

## Committee Room,

Austin, Texas, Sept. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 23 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

## Committee Room,

Austin, Texas, Sept. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 25 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

## Committee on Engrossed Bills.

## Committee Room,

Austin, Texas, Sept. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 26 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

## Committee Room,

Austin, Texas, Sept. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 25 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

## Committee Reports.

## Committee Room,

Austin, Texas, Sept. 20, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 51, A bill to be entitled "An Act making an appropriation to pay taxes for the year of 1933 and 1934, due certain counties on lands set apart for the endowment of the

University of Texas, which are now unsold, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HOLBROOK, Chairman.

By Stevenson, et al: H. B. No. 51.

## A BILL

## To Be Entitled

An Act making an appropriation to pay taxes for the years 1933 and 1934, due certain counties on lands set apart for the endowment of the University of Texas, which are now unsold, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of Seventy-two Thousand Dollars (\$72,000.00), or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay taxes due by the State of Texas for the years 1933 and 1934 on lands set apart for the endowment of the University of Texas; the said taxes to be paid according to the provisions of the statute passed by the Forty-second Legislature and printed as Chapter 93 of the General Laws of Texas, Regular Session 1931.

Sec. 2. The fact that under the existing law there is no provision for the payment of these taxes and that the taxes are past due, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

## Committee Room,

Austin, Texas, Sept. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 8, A bill to be entitled "An Act declaring a five (5) year closed season on wild fox in certain counties; providing for violation of this Act, and declaring an emergency."

Have had the same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 33, A bill to be entitled "An Act prohibiting the taking of fur bearing animals by the use of any snare, deadfall or steel trap in Freestone County; providing a penalty; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Sept. 18, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 65, A bill to be entitled "An Act making it unlawful to kill wild fox, or to take or have in one's possession for barter or sale the pelts of wild fox, in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 40, A bill to be entitled "An Act declaring it unlawful to take, hunt or pursue deer or turkey in Nacogdoches County for five (5) years after the passage of this Act; providing a penalty for violation; repealing all laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 38, A bill to be entitled "An Act providing the open season for taking squirrels in Nacogdoches County; providing suitable penalty for violation of this Act, and repealing all laws in so far as they may be in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Sept. 20, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 31, A bill to be entitled "An Act declaring it unlawful to take any wild ducks, wild goose, wild brant, wild snipe or wild coot at any time other than during the open season; prohibiting the taking or possessing of any of such birds in excess of the bag limit; defining open seasons and bag limits; providing a suitable penalty; repealing laws in conflict with this Act; charging the Game, Fish and Oyster Commission with the duty of proclaiming open seasons and bag limits for wild ducks, wild geese, wild brant, wild snipe or wild coot; providing that such open seasons and bag limits shall be fixed after the determination of certain facts; providing how such regulations shall be issued and that after issuance when such regulations shall become effective; providing for the suspension of such regulations; providing that any interested party affected by this Act and dissatisfied with any regulations promulgated by the commission shall have the right to file a suit in a competent court of

Travis County to test the validity of said Act or regulations.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Sept. 20, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We your Committee on Internal Improvements, to whom was referred

S. B. No. 32, A bill to be entitled "An Act to amend Article 4368 of Revised Civil Statutes of Texas for 1925, relating to the official bond of the State Treasurer, and providing that the State Treasurer shall enter into such bond as may be required by an Act of Congress to protect any Federal funds which shall have been received or which may hereafter be received by the State of Texas and deposited with the State Treasurer; providing that such special bond shall be in addition to the regular statutory official bond, and shall be a separate and distinct special bond and obligation; providing the method of payment for such bond, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Sept. 20, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 9, Inviting the President, all national officials, governors and members of the Mexican Congress to participate with Texas in its Centennial celebration in 1936, and to place on exhibition at Austin for a period of the Centennial the captured Alamo flag, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute

hereto attached do pass in lieu thereof, and be printed in the Journal.

HOPKINS, Chairman.

C. S. S. C. R. No. 9.

Whereas, The State of Texas in 1936 will observe the hundredth anniversary of its birth as a republic, which event effected important changes in the history of the United States and the world, and gave to civilized people fresh ideals of freedom, and

Whereas, The States of California, Arizona and New Mexico were closely linked with Texas in the establishment of a new empire and democracy, with the State of Louisiana assisting Texas with materials and men in its struggle for freedom, therefore be it

Resolved, that the Senate of the State of Texas, the house concurring, extends its most cordial invitation to the President of the United States, members of the cabinet and other Federal Government officials, and to the Governors of California, Arizona, New Mexico, and Louisiana to participate in and attend the Texas Centennial in 1936; and be it further

Resolved, that the President of Mexico and other Mexican Government officials are hereby extended similar friendly invitation to visit this State during the Centennial, the people of Texas and Mexico over a period of many years having been united in neighborly understanding and friendship, and whose citizens, both of Texas and Mexico, won their liberties by defeating military dictatorship, and whose citizens wish to continue the neighborly relations between Texas, her sister states, and Mexico; and be it further

Resolved, that the Governor, Legislature and people of Texas, should it be consistent with Mexican policy, will deeply appreciate any action the Congress of Mexico and President of Mexico may take in permitting the people of Texas to view during the Centennial the New Orleans Grays' flag captured in the battle of the Alamo.

Amendment.

Amend the resolution by striking out "Austin" and inserting "at the place where the Texas Centennial is held."

PACE.

By Collie.

S. C. R. No. 9.

Whereas, It has been established that the flag or emblem carried by the New Orleans Grays at the battle of the Alamo is now reposing in the National Museum in Mexico City, and archives in Mexico prove it was captured and taken to Mexico City, and

Whereas, Mexico and Texas over a period of many years have maintained the most friendly relations, and are closer together in mutual understanding than perhaps any other two countries, and whose people are determined to continue this high regard and understanding; therefore, be it

Resolved that the Texas Legislature now invites the President, all other national officials, Governors and members of the Mexican Congress to participate with Texas in its centennial celebration in 1936 as an evidence to the world of our friendship and of our mutual desire that warfare shall be outlawed, and be it further

Resolved, that in the promotion of this lasting friendship between nations, we invite the Republic of Mexico, in its participation with us in the Centennial, principally because the Mexican people likewise were compelled to throw off the yoke of military dictators and gain her freedom, to place on exhibition at Austin for a period of the Centennial the captured Alamo flag, that it may serve to better unite the people of Texas and Mexico and teach the youth of both countries the value and benefits of liberty and patriotism.

Committee Room,

Austin, Texas, Sept. 20, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 30, A bill to be entitled "An Act making an appropriation to pay per diem and expenses of persons serving on the textbook committee from October 1 to October 13, 1933, and making an appropriation to pay per diem and expenses of members of the State Board of Education incurred in connection with its meeting July 31 and August 1, 1933, and declaring an emergency."

Have had the same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HOLBROOK, Chairman.

By Redditt.

S. B. No. 30.

## A BILL

## To Be Entitled

An Act making an appropriation to pay per diem and expenses of persons serving in the textbook committee from October first to October thirteenth, 1933, and making an appropriation to pay per diem and expenses of members of the State Board of Education incurred in connection with its meeting July thirty-first and August first, 1933, and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any funds in the State Treasury not otherwise appropriated, to pay the following claims for expenses and per diem due to the following persons who served on the textbook committee from October first to October thirteenth, 1933:

G. W. Gotke.....	\$ 60.00
Mary Frances Huppertz.....	60.00
J. B. Pace, Jr.....	70.00
Jack R. Ryan.....	60.00
Mamie E. Schaper.....	60.00

Total.....	\$310.00
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Sec. 2. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any funds in the State Treasury not otherwise appropriated, for the purpose of paying the per diem and expenses due from the State of Texas in connection with the meeting of the State Board of Education held July thirty-first and August first, 1933:

J. O. Guleke.....	\$ 86.15
Mrs. Noyes Darling	
Smith.....	22.00
Mrs. J. E. Watkins.....	42.55
R. S. Bowers.....	28.35
W. A. Morrison Estate.....	49.05
Tom Garrard.....	106.35
Anita Winkler.....	50.00
Ernest Alexander.....	55.00
F. L. Henderson.....	40.00

Total.....	\$479.45
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Sec. 3. The fact that the foregoing claims were lawfully incurred against the State of Texas and have gone long unpaid, and the fact that the present session of the Legislature is drawing rapidly to a close, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. C. R. No. 20, Designating State Highways No. 1 and No. 6 as Gold Star World War Memorial Highways,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,  
Austin, Texas, Sept. 20, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. C. R. No. 12, "Relative to Auditor's Department expending certain funds for a new auditing system."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, Sept. 20, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 29, A bill to be entitled "An Act amending Chapter 25 of the Acts of the Thirty-ninth Legislature, Regular Session, adding thereto a section to be 'Section 90a,' and, in substance to provide; that certain water control and improvement districts (in addition to, or in lieu of, securing their bonds by the levy and collection of taxes, are now pro-

vided), may enter into contracts pledging their net revenues for security of their bonds; and, providing that, in case the district's obligations are secured both by taxation and the pledge of revenues, under certain conditions, the taxes may be minimized or wholly abated, to compensate the net revenues available to protect the maturities of the district's obligations, defining 'net revenues'; and, requiring an election for authorization for exercising the powers hereby granted; also fixing the proposition to be voted on at any such election; stating the facts constituting an imperative public necessity (to enable such districts promptly to procure loans from the Federal Administration of Public Works, or other advantageous sources, thereby aiding to relieve unemployment), and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 76, A bill to be entitled "An Act fixing the compensation for county commissioners in certain counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following Committee amendment, and be printed.

#### Committee Amendment.

Amend the bill by making "Section 2" read "Section 4" and by inserting the following to be known as Section 2.

"Section 2. That Article 2350, Title 44 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Acts of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Act of the Fortieth Legislature,

page 435, Chapter 290, and as amended by Act of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1; and as amended by Act of the Forty-third Legislature, Regular Session, Chapter 216, and as amended by Act of the Forty-third Legislature, First Called Session, Chapter 83, page 220, be and the same is hereby amended so as to hereafter read as follows:

Article 2350. In counties having the following assessed valuation, as shown by the total assessed valua-

tions of all properties certified by the county assessor and approved by the commissioners' court, for the previous year, from time to time, the county commissioners of such counties shall each receive annual salaries not to exceed the amounts herein specified; said salaries to be paid in equal monthly installments, one-half, and not exceeding three-fourths, out of the road and bridge fund, and the remainder out of the general fund of the county; said assessed valuations and salaries applicable thereto as follows:

Assessed Valuations.	Salaries to be paid each member of the commissioners' court
\$5,000,000.00 and less than \$10,000,000.00, not to exceed	\$1,200.00
\$10,000,000.00 and less than \$15,000,000.00 not to exceed	1,500.00
\$15,000,000.00 and less than \$20,000,000.00 not to exceed	1,800.00
\$20,000,000.00 and less than \$25,000,000.00 not to exceed	2,100.00
\$25,000,000.00 and less than \$30,000,000.00, not to exceed	2,400.00
\$30,000,000.00 and less than \$40,000,000.00, not to exceed	2,600.00
\$40,000,000.00 and less than \$50,000,000.00, not to exceed	2,800.00
\$50,000,000.00 and less than \$60,000,000.00, not to exceed	3,000.00
\$60,000,000.00 and less than \$70,000,000.00, not to exceed	3,200.00
\$70,000,000.00 and less than \$80,000,000.00, not to exceed	3,400.00
\$80,000,000.00 and less than \$90,000,000.00, not to exceed	3,600.00
\$90,000,000.00 and less than \$100,000,000.00, not to exceed	3,800.00
\$100,000,000.00 and less than \$150,000,000.00, not to exceed	4,000.00

In counties having assessed valuations of less than \$5,000,000.00 each commissioner shall receive Five (\$5.00) Dollars per day for each day served as commissioner, and when acting as ex-officio road superintendent in his commissioner's precinct, not to exceed Seven Hundred Twenty (\$720.00) Dollars in any year.

Section 3. If any section, clause, sentence or part of this Act shall for any reason be declared unconstitutional that shall not affect in any way the constitutionality of the remaining provisions hereof."

Amend the caption to conform to the body of the bill.

PACE, Vice-Chairman.

#### NINETEENTH DAY.

Senate Chamber,  
Austin, Texas  
September 21, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Cecil Murphy.

The roll disclosed a quorum, the following Senators being present:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodruff.

Petitions and Memorials.

(See Appendix.)